THE TRAVANCORE STATE AID TO INDUSTRIES BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to present the Report of the Select Committee on the Travancore State Aid to Industries Bill and beg to move that the Bill as reported be taken up for consideration.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I beg to move the following amendment :—

"Re-write sub-clause 3 of Section 3 as follows and omit the proviso.

"(3) Three-fifths of the members constituting the Board shall be non-officials elected by the Legislative Council from amongst its members or outside."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to a point of order in regard to that amendment. The amendment proposes that the Legislative Council should form into an electorate, as it were, for electing members of the Board. That will be affecting the provisions of the Legislative Council Regulation in that it adds certain functions to those alloted by the Regulation to this Council. This Council is not competent to do that.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I submit the argument that, because the Legislative Council is given this power, it will be going contrary to the provisions of the Legislative Council Regulation or Rules is not tenable. If the Legislative Council is deprived of any of the powers under this Regulation, it will be going contrary to the provisions of the Council Regulation. Here we are just suggesting the method of recruiting certain members to the Board which is to be constituted under this Bill. I submit that there is nothing contrary to the Legislative Council Regulation. So my amendment is perfectly in order.

PRESIDENT: The amendment as it stands, as the Law Member explained, purports to allot a new function to the Legislative Council. This under its constitution the Council cannot do. In that sense, it is a provision that will affect the constitution of the Council. Therefore I rule that amendment out of order.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I beg to move the following amendment :—

Add the following after Section (35) :—

"(36) No aid shall be given by Our Government to any industrial concern, business or enterprise except in accordance with the provisions of this Regulation."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vaki*): Sir, I rise to a point of order in respect of this amendment also. The purport of the amendment, it will be noticed, is to lay down an injunction, as it were, that the public revenues shall not be utilised for certain purposes except under the provisions of this Regulation. I submit, Sir, that such a measure or even an amendment for that matter (an amendment is also a measure) cannot be introduced into the Council without the previous sanction of the Dewan as it affects the public

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revenues of the State. Section 12 of the Legislative Council Regulation lays down :—

> It shall not be lawful for any member to introduce, without the previous sanction in writing of Our Dewan, any measure,
>
> (*a*) affecting the public revenues of the State or by which any charge would be imposed on such revenue ;

Now a clear implication of allowing such an amendment will be readily noticed, if I suggest an exactly analogous provision. Is it open to the House to enact by a legislative measure that no public revenues of the State shall be utilised unless it be under a Regulation passed by this Council? The result of the proposed amendment comes practically to that, though to smaller extent. I submit, Sir, that this Council has no power to do that unless Mr. Asan is able to assure the House that he has got the previous sanction of the Dewan.

MR A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Sir, it is straining the language of the Section too much when the Law Member says that I could not move an amendment to a Bill which is before the Council. If what the Law Member says is to stand, it will appear that we could not bring forward any amendment to any Regulation which will affect the public revenues of the State. That is what it aims. My submission is this Section 12 is intended to prevent members from bringing forward any measure which will affect the receipt side of the public revenues of the State, which will in any way stand in the way of the Government realising or collecting public revenues. I think that is all that Section 12 intends to provide against. If what the Law Member says is correct then I do not know whether even motions for reduction of demands and other things which affect the public revenues could be considered by this Council. The Law Member may say that the measure does not restrict itself to any legislative measure. It may relate to any motion that is brought before this Council.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I do not make such a contention.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : When he says public revenues, even the expenditure side of the revenue comes under it.

MR. A. THANU PILLAI (*Trivandrum*) : Is it introducing a measure?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : This is only an amendment. If the Law Member's contention is to stand, we may not be able to amend any Regulation which is brought before this Council, which affects the public revenues of the State.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Or even of any such Bill.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : That means, that, in a Government Bill or a non-official Bill a non-official could not move an amendment because those amendments are likely to affect the public revenues. I think that the Law Member's point of order is not sustainable.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, a word more I may be permitted to add. Mr. Asan says that in regard to amendments, Section 12 will not apply. I may say that in the Indian Legislative Assembly and in the Bombay Legislative Council the Presidents have specifically ruled that even amendments come as measures under the British Indian provision, corresponding to our Section 12.

MR. A. THANU PILLAI (*Trivandrum*): Was it an amendment which was sought to be made in a Regulation or was it an emendment of a measure brought forward by the official side?

PRESIDENT: Mr. Kayalam Paramesvaran Pillai will please refer me to that particular portion?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) In the Legislative Assembly Proceedings of 1924 May, there is a ruling and it runs as follows:

MR. A. THANU PILLAI (*Trivandrum*): Was it an amendment that suggested an expenditure limiting the powers of Government in this manner?

PRESIDENT: Let us see the ruling first.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): This is what the President of the Legislative Assembly has said.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): That is only imposition of tax.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not at that now. I am saying that a measure includes an amendment also. The whole discussion went on over three or four pages and the President ruled that the amendment is out of order because it was a measure that affects the public revenues. There, it was in connection with an imposition of tax. Here also the present amendment affects the public revenues of the State but in another way. There is no distinction between an original Bill or amendment to a Bill which has been introduced in the Council. In either cases if the amendment or the Bill affects the public revenues, then, that measure, whether an amendment or Bill, cannot be introduced without the sanction in writing of the Dewan here.

MR. A. THANU PILLAI (*Trivandrum*): May I know from the member whether this proposed curtailment of power in this amendment will relate to an expenditure which is beyond the cognisance of this Council?

PRESIDENT: What Section are you referring to?

MR. A. THANU PILLAI (*Trivandrum*): Section 16. My point is whether this proposed amendment seeks to curtail the powers of Government and affects the expenditure which is barred from being considered by this House?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I do not understand the member.

MR. A. THANU PILLAI (*Trivandrum*) : Here Government are sought to be prohibited from expending money except in accordance with the provisions of this Regulation. Are not matters in respect of which such expenditure is prohibited coming within the cognisance of this Council?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : My point is—

MR. A. THANU PILLAI (*Trivandrum*) : Is it or is it not?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Unless you ask with respect to a specific matter...

MR. A. THANU PILLAI (*Trivandrum*) : Mr. Asan's motion is "no aid shall be given by our Government to any industrial concerns .."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The simple question is whether the House can consider a measure which affects the public revenues without obtaining the previous sanction of the Dewan. I do not say that the House is *incompetent* to discuss an amendment that has been brought forward. I only say that it must have the leave of the Dewan.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : How does my amendment affect the public revenues of the State, I do not understand?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Because the amendment says that public revenues shall not be spent.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Does it relate to public expenditure?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Does not the member's amendment say that public revenues shall not be expended for particular purposes.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : So, am I to understand that after the realisation of the revenue and keeping it in the Treasury you call it public revenues?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes.

One word more in regard to this. In the Bombay Legislative Council a similar question was raised. A Bill was introduced that Government buildings be taxed to the Municipality to the extent of eight-tenths or so of their value. One member wanted to introduce an amendment to the effect that it should be nine-tenths and not eight-tenths. The President ruled that amendment was out of order as it had not the sanction of the Governor. He said that the amendment means that Government should pay more.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : What is the corresponding provision in the Bombay Legislative Council Rules?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Section 80 (c) of the Government of India Act. So far as the Legislative Assembly is concerned the corresponding provision is 67(a) of the Government of India Act.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : What is the corresponding provision in the Bombay Legislative Council ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Section 80 (c) which was the subject of the ruling in the Bombay Legislative Council.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) : In all Legislative Councils a distinction is maintained between money Bills and Bills which are not money Bills. So far as the House of Commons and the House of Lords are concerned as regards their inter-relation, the House of Commons alone can deal with the money Bills and any measure passed by the House of Commons cannot be revised or altered by the House of Lords if the speaker of the House of Commons certifies that it is a money Bill. So far as the Indian Legislatures are concerned they seem to have anticipated the desirability of putting some provision where the sanction of the Head of the Executive should be obtained before the Popular House is allowed to deal with money Bills. At present I am not concerned with going into the policy of the restriction on the powers of the members of the Council. But the reading of the Rules and Standing Orders by my friend Mr. Paramesvaran Pillai appears to be perfectly sound. With reference to the suggestion that was made by Mr. Thanu Pillai as regards token motions it is well known that when the votable part of the Budget is actually submitted to the vote of the Council by the Government, we are allowed to move for reduction and not for enhancement or appropriation under any head of expenditure whatsoever. It is so in the House of Commons too. They can move for reduction of the expenditure. Government alone can move for enhancement of expenditure or the imposition of revenue.

PRESIDENT : The question before the House is whether this amendment to the clause of the Bill is in order. The Provisions of Section 12, clause (a) of the Legislatibe Council Regulation will apply to it as if it were a Bill. The word 'measure' is wide enough to include it. It is clear that the provision of the amendment will affect the public revenues in that it restricts the manner in which revenues can be spent. Without the sanction of the Dewan as provided for in Section 12 such a measure cannot be introduced in the Council. I therefore rule that the amendment is out of order.

I now put the Bill to the House.

The question that Clauses 1 to 35 of the Travancore State-Aid-to-Industries Bill do stand part of the Bill was put and carried.

The question that the preamble do stand part of the Bill was put and carried.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I beg to move that the Bill be taken up at a subsequent meeting and passed.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : I second it.

The motion was carried.

THE TRAVANCORE CRIMINAL LAW AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I rise to introduce the Travancore Criminal Law Amendment Bill. It has been published in the Gazette with a statement of objects and reasons. I now beg to move that the Bill be read in Council.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, the provisions of the Bill are simple and I do not think that it is necessary for me to detain the House very long at an attempt to explain the principles involved therein. Briefly put, and in general terms, the provisions of the Bill are designed to suppress the traffic in women and girls and to prevent and punish the keeping of brothels and the aiding of the business of prostitution.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) : Is the member aware of brothels anywhere in Travancore ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I am not.

MR. A. THANU PILLAI (*Trivandrum*) : Is there trafficing in women?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : In regard to that some information has been received that women are exported from Travancore for immoral purposes. Upon that point, I am very glad that Mrs. Anna Chandi is a member of the House to-day because when I was preparing this Bill and considering its principles I found an article in '*Srimati*'.

MRS. ANNA CHANDI (*Nominated*) : Does the article say that women are exported from Travancore ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, that is what the article said.

MRS. ANNA CHANDI (*Nominated*) : What does the Law Member mean ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I said so on the assumption that Mrs. Anna Chandi was the editor of the paper called "*Srimati*". In 1104, I chanced to read the editorial article which gives much more information than officers of Government have been able to give. In that article it is stated that about 700 women have been taken away from Travancore.

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